
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

STEVEN M. B.,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:17-cv-00970-JNP-EJF

Judge Jill N. Parrish

On January 2, 2019, Magistrate Judge Evelyn J. Furse issued a Report and Recommendation that this court affirm the final agency decision of the Commissioner of Social Security denying the disability insurance benefits claimed by Steven B. [Docket 22]. The Report and Recommendation advised Steven B. that a failure to object within 14 days of service could result in a waiver of objections upon review by this court. He did not file an objection within the 14-day time limit.

Steven B.'s failure to object waived any argument that the Report and Recommendation was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court need not apply this waiver rule as a procedural bar if "the interests of justice so dictate." *Id.* (quoting *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991)). The court has reviewed the Report and Recommendation and its conclusion that the Commissioner's denial of benefits is supported by substantial evidence. The court concludes that the Report and Recommendation is not clearly erroneous and finds that the interests of justice do not warrant deviation from the waiver rule. The court, therefore, ADOPTS IN FULL the Report and Recommendation.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation [Docket 22] is ADOPTED IN FULL.
2. The court affirms the final agency decision of the Commissioner of Social Security denying benefits.

SO ORDERED January 17, 2019.

BY THE COURT:



JILL N. PARRISH
United States District Judge